

In re Patent Application of:
FRISCO ET AL.
Serial No. 09/545,267
Filed: APRIL 7, 2000

REMARKS

The Applicants would like to thank the Examiner for the courtesies extended during the Examiner's interview on February 3, 2004. Independent Claims 32 and 41 have been amended as discussed during the Examiner's interview. The claims amendments and arguments supporting patentability of the invention are discussed in detail below.

I. The Claims Are Patentable

The Examiner rejected independent Claims 32 and 41 over the Sklar et al. patent in view of the Galipeau et al. patent. The present invention, as recited in amended independent Claim 32, for example, is directed to an aircraft in-flight entertainment system comprising a satellite television (TV) receiver for generating a plurality of programming channels, and a moving map image generator for generating a flight information channel including a moving representation of the aircraft position on a map image. The moving map image generator comprises a processor for determining an aircraft position during flight, aircraft direction, aircraft speed, and aircraft altitude for display with the moving map image.

The aircraft in-flight entertainment system also comprises a plurality of passenger seatback displays connected to the satellite TV receiver and the moving map image generator. A respective passenger control unit is associated with each passenger seatback display for permitting passenger selection of one of the programming channels and flight information channel for display thereon.

A method aspect for the present invention, as recited in amended independent Claim 41, is similar to amended

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independent Claim 32. The present invention advantageously allows a passenger to select a programming channel from the satellite TV receiver or the flight information channel.

Referring now to Sklar et al., an in-flight entertainment (IFE) system is disclosed. In particular, the IFE system includes a satellite TV receiver for generating a plurality of programming channels. As correctly noted by the Examiner, Sklar et al. fails to disclose a moving map image generator for generating a flight information channel including a moving representation of the aircraft position on a map image.

The Examiner cited Galipeau et al. to supply this noted deficiency. Galipeau et al. discloses in column 11, lines 25-30, that the aircraft systems 198 also provide data to the passenger concerning the aircraft flight. Such data may include aircraft direction, aircraft speed and aircraft altitude for display on a moving map image. This information is provided as an additional video input which may be offered to the passengers.

The Examiner has taken the position that it would have been obvious at the time of the invention to modify the IFE system in Sklar et al. to include a moving map image generator for providing a flight information channel selectable by the passenger. The Examiner states that this would be beneficial to the IFE system in Sklar et al. since it would enhance the satellite TV receiver IFE system to further include a moving map image generator flight information channel along with the satellite TV programming channels, which would bring additional satisfaction and enjoyment to the passengers who desire to know additional information about the aircraft flight.

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The Applicants respectfully submit that the Examiner is using impermissible hindsight reconstruction to modify Sklar et al. in view of Galipeau et al. in an attempt to produce the claimed invention. The Applicants submit that even if the references were combined, the claimed invention is still not produced.

The Applicants submit that Galipeau et al. fails to state that the passengers may actually select the flight information provided via the additional video input. For example, Galipeau et al. discloses in column 11, lines 35-38 that an in-flight work station **200** is available for the flight crew to select which programming is available to passengers. In other words, if the additional video input is unavailable, then the passengers cannot select it. Alternatively, even if the additional video input was available, Galipeau et al. fails to state that the passengers have control for selecting the input versus the pilot or flight crew selecting when the flight information is to be displayed - such as when a flight update is made by the pilot or flight crew.

The Applicants thus submit that there is no proper motivation to selectively modify the primary reference in the manner set forth by the Examiner in an attempt to arrive at the claimed invention as recited in amended independent Claims 32 and 41. As the Examiner is aware, to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the references.

The IFE system in Sklar et al. is directed to controlling the reception by an aircraft of broadcast entertainment transmissions from a satellite. Sklar et al.

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fails to mention providing any other type of programming channels to the passengers, i.e., such as a flight information channel. The IFE system in Galipeau et al. discloses a flight information channel available to the passengers, but fails to clearly state that the passengers select the flight information channel. In addition, the IFE system in Galipeau et al. fails to disclose that the IFE system comprises a satellite TV receiver.

More specifically, one of ordinary skill in the art would not look to modify the Sklar et al. patent to include a moving map image generator for generating a flight information channel including a moving representation of the aircraft position on the map image, or that the moving map generator comprises a processor for determining an aircraft position during flight, and at least one of an aircraft direction, aircraft speed, and aircraft altitude for display with the moving map image, without having had the benefit of studying the Applicants' specification.

Accordingly, Applicants submit that amended independent Claims 32 and 41 are patentable. Their respective dependent claims, which recite yet further distinguishing features, are also patentable, and require no further discussion herein.

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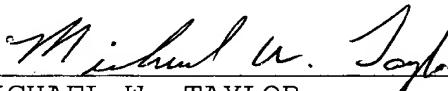
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CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,


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